

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
IN RE WACHOVIA CORPORATION :  
ERISA LITIGATION :

Master File 08 Civ. 5320 (NRB)  
ECF Case

-----X  
THIS DOCUMENT RELATES TO: :  
ALL ACTIONS :

**DECLARATION OF  
THEODORE M. LIEVERMAN**

-----X  
COMMONWEALTH OF PENNSYLVANIA :  
: S.S.  
COUNTY OF PHILADELPHIA :

I, THEODORE M. LIEVERMAN, hereby depose and state as follows:

1. I am a partner in the law firm of Spector, Roseman & Kodroff, P.C., one of the counsel for Plaintiff Rose Hansen in the above matter. I am a member of the bar of this Court. I make this Declaration in support of Ms. Hansen's Motion for appointment of Interim Co-Lead Counsel.

2. Attached hereto as Exhibit 1 is a copy of the Firm Biography for Spector Roseman & Kodroff, P.C.

3. Attached hereto as Exhibit 2 is a copy of the Firm Biography for Stember Feinstein Doyle and Payne, LLC.

4. Attached hereto as Exhibit 3 is a copy of the Firm Biography for Lewis, Clifton & Nikolaidis, P.C.

I declare that the foregoing is true and correct, subject to the penalties of perjury pursuant to 28 U.S.C. § 1746.

Dated: August 26, 2008

/s/ Theodore M. Lieverman  
THEODORE M. LIEVERMAN

# **EXHIBIT 1**



A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
1818 MARKET STREET, SUITE 2500  
PHILADELPHIA, PENNSYLVANIA 19103  
(215) 496-0300  
FAX (215) 496-6611  
<http://www.srk-law.com>  
email: [classaction@srk-law.com](mailto:classaction@srk-law.com)

### **FIRM BIOGRAPHY**

Spector Roseman & Kodroff is a highly successful law firm with a nationwide practice that focuses on class actions and complex litigation, including securities, antitrust, consumer protection, contract and commercial claims. The firm is active in major litigation in state and federal courts throughout the country. The firm's reputation for excellence has been recognized on numerous occasions by courts which have appointed the firm as lead counsel in major class actions. As a result of the firm's efforts, defrauded consumers and shareholders have recovered billions of dollars in damages. The firm is rated "AV" by Martindale-Hubbell, its highest rating for competence and integrity.

Judges throughout the country have recognized the Firm's contributions in class action cases:

- "Here, Plaintiffs' counsel are highly experienced in complex antitrust litigation, as evidenced by the attorney biographies filed with the Court. . . . They have obtained a significant settlement for the Class despite the complexity and difficulties of this case." *Stop & Shop Supermarket Co. v. SmithKline Beecham Corp.*, C.A. No. 03-4578 (E.D. Pa. May 19, 2005);
- "Counsel are among the most experienced lawyers the national bar has to offer in the prosecution and defense of significant class actions." *In re Lupron Marketing and Sales Practices Litigation*, 345 F. Supp. 2d 135, 137-38 (D. Mass. 2004);
- "[T]he class attorneys in this case have worked with enthusiasm and have been creative in their attempt to compensate as many members of the consumer class as possible. . . . This Court has consistently noted the exceptional efforts of class counsel." *In re Relafen Antitrust Litigation*, 231 F.R.D. 52, 80 (D. Mass. 2005).
- "Co-lead counsel Eugene Spector is a skilled and respected member of the bar who deftly managed this class action litigation." *In re New York City Shoes Inc. Securities Litigation*, C.A. No. 87-4677 (E.D. Pa.);
- "I'm very appreciative of this kind of good work by lawyers." *Larkin v. Collins*, C.A. No. 93-1252 (D. Kan.);
- "[Counsel for plaintiffs are] highly experienced and capable attorneys of good

reputation . . . [who] have performed both with proficiency and efficiency. . . .” *In re Oak Industries Securities Litigation*, Master File No. 83-0537-G(M) (S.D. Cal.) (court approved settlement in excess of \$32 million);

- “But for the extraordinary work and skill of the plaintiffs’ attorneys, there would have been no benefit to the class at all. . . . You have advanced the goal of litigation with dispatch and with dignity. . . .” *Swanick v. Felton*, C.A. No. 91-1350 (E.D. Pa.).

### **Securities/ Corporate Governance Litigation**

SRK’s securities practice group has actively managed important class actions involving securities fraud, winning not only significant damages but also important corporate governance reforms. Some of the Firm’s most notable cases include:

- *In re Parmalat Securities Litigation*, No. 04 Civ. 0030 (LAK) (S.D.N.Y.). SRK is one of the co-lead counsel for the lead plaintiffs, who are European institutional bond holders, in this widely known case, often called the “Enron of Europe.” This is a massive worldwide securities fraud action involving the collapse of an international dairy conglomerate, in which major financial institutions and accounting firms created schemes to materially overstate Parmalat’s revenue, income, and assets, and understate its considerable and expanding debt. The case has been heavily litigated for five years, resulting to date in partial settlements with two financial institutions in the amount of \$85 million.

In addition, the settlement provided that these defendants confirm their endorsement of certain corporate governance principles of behavior designed to advance investor protection and to minimize the likelihood of future deceptive transactions. This is the first time in a Section 10(b) case that shareholders were able to negotiate corporate governance measures from a defendant other than the issuer.

- *In re SCOR Holding (Switzerland) AG Litigation*, No. 04 Civ. 07897 (MBM) (S.D.N.Y.). SRK is co-lead counsel for a class of investors, having achieved settlements of \$145 million.
- *In re Laidlaw, Inc. Bondholders Securities Litigation*, No. 3-00-2518-17 (D.S.C.). SRK was a member of the Executive Committee in this complex accounting case which resulted in a settlement of \$42,875,000.
- *In re Leslie Fay Securities Litigation*, No. 92 Civ. 8036 (WCC) (S.D.N.Y.). SRK was co-lead counsel in this complicated accounting fraud case which resulted in a settlement of \$35 million.
- *In re Abbott Laboratories, Inc. Derivative Shareholder Litigation*, C.A. No. 99-C 07246 (N.D. Ill.). SRK was co-lead counsel for plaintiffs. The case was dismissed twice but reversed on appeal, and settled in 2004 for substantial

corporate governance reforms funded by \$27 million from directors. The ABA's *Securities Litigation Journal* called the Seventh Circuit's opinion the second most important decision in 2003.

- *Felzen v. Andreas (Archer Daniels Midland Co. Derivative Litigation)*, C.A. No. 95-2279 (C.D. Ill.). As co-lead counsel, SRK negotiated broad corporate governance changes in the company's board structure including strengthening the independence of the board of directors, creating corporate governance and regulatory oversight committees, requiring that the audit committee be composed of a majority of outside directors, and establishing a \$8 million fund for educational seminars for directors and the retention of independent outside counsel for the oversight committees.

The Firm is in the forefront of advising and representing foreign institutional investors in U.S. class actions. During the past 5 years, SRK has been working with and representing various European investors and conducting educational seminars on securities class actions and speaking at international shareholders and corporate governance conferences. The Firm is currently counsel to numerous large European entities.

### **Pharmaceutical Marketing Litigation**

Since 2001, the Firm has been at the vanguard of identifying and pursuing healthcare reforms. It has developed an extensive practice in representing consumers and third-party payors in class actions against pharmaceutical companies over the unlawfully high pricing of prescription drugs. These cases have proceeded in state and federal courts on a variety of legal theories, including state and federal antitrust law, state consumer protection statutes, common law claims of unjust enrichment, and the federal RICO statute.

As part of their work in this area, Firm attorneys have formally and informally consulted with the Attorneys General of a number of state who have been actively involved in drug and health care litigation. The Attorney General of Connecticut chose SRK in a competitive bidding process to help lead the state's pharmaceutical litigation involving use of the Average Wholesale Price. The Firm's clients also include large employee benefit plans as well as individual consumers.

Some of the Firm's important pharmaceutical cases include the following:

- SRK devised the legal theory for claims against most major pharmaceutical companies for using the Average Wholesale Price to inflate the price paid by consumers and third-party payors for prescription and doctor-administered drugs. SRK was co-lead counsel in *In re Lupron Marketing and Sales Practices Litigation*, MDL No. 1430 (D. Mass.), which resulted in a settlement of \$150 million for purchasers of the cancer drug Lupron.

The larger AWP case, *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.), was tried in part to the court in November-

December 2006. On June 21, 2007, the judge issued a 183-page opinion largely finding for plaintiffs, and requesting additional evidence on damages. Moreover, plaintiffs have reached settlements in amounts exceeding \$230 million. SRK is co-lead counsel for the class.

- In *New England Carpenters Health Benefits Fund v. First Databank, Inc.*, C.A. 05-11148 (D. Mass.); and *District 37 Health and Securities Fund v. Medi-Span*, C.A. No. 07-10988 (D. Mass.), SRK is co-lead counsel for a group of third-party payors who pay for prescription drugs at prices based on the AWP. The complaints allege that First DataBank and Medispan, two of the largest publishers of AWP, fraudulently published inflated AWP prices for thousands of drugs.

A partial settlement to the case will require First DataBank and Medispan to lower the AWP price they publish for hundreds of drugs (by reducing the formulaic ratio they use to calculate AWP); and to eventually cease publishing AWP prices. Plaintiffs' experts conservatively estimate that the savings from this settlement will be in the hundreds of millions of dollars. Plaintiffs continue to prosecute the case against McKesson.

- SRK was co-lead counsel on behalf of direct purchasers of the drug Paxil. *Stop & Shop Supermarket Co. v. Smithkline Beecham Corp.* C.A. 03-4578 (E.D. Pa.). The complaint alleged that the drug company misled the U.S. Patent and Trademark Office in obtaining the patents protecting Paxil and then used the patent to prevent lower-cost, generic versions of the drug from coming to market. A settlement of \$100 million was approved by the court.
- SRK was co-lead counsel for indirect purchasers in prosecuting state antitrust and consumer protection claims against GlaxoSmithKline for suppressing competition from generic versions of its drug Relafen by fraudulently obtaining a patent on the compound. *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.). The indirect purchaser settlement for \$75 million was approved by the court (the overall settlement for all plaintiffs exceeded \$400 million).

In addition, SRK is a co-lead counsel for plaintiffs in several other drug marketing cases, including *In re Vioxx*, Case Code No. 619 (N.J. Super. Law Div.) (co-lead counsel for nationwide consumer class seeking economic damages); *In re TriCor Antitrust Litigation*, C.A. No. 05-360 (D. Del.) (trial scheduled November 3, 2008); *In re Modafinil Antitrust Litigation*, C.A. No. 06-1797 (E.D. Pa.); *In re Express Scripts, Inc., PBM Litigation*, Master Case No. 05-md-01672-SNL (E.D. Mo.); *In re Lovenox Antitrust Litigation*, Case No. CV05-5598 (C.D. Cal.); and *In re Bextra and Celebrex Marketing Sales Practices and Product Liability Litig.*, MDL Docket No. 1699 (N.D. Cal.).

### **Antitrust Litigation**

SRK's antitrust practice group regularly oversees major antitrust cases. Among the Firm's most significant cases are:

- *In re Linerboard Antitrust Litigation*, MDL No. 1261 (E.D. Pa.). SRK was appointed co-lead counsel for plaintiffs in this price-fixing antitrust action which settled for total of \$202 million, the largest antitrust settlement ever in Third Circuit.
- *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.). SRK was co-lead counsel for plaintiffs in this price fixing/market allocation antitrust action which settled for \$120 million.
- *In re DRAM Antitrust Litigation*, MDL No. 1486 (N.D. Cal.). SRK was a member of the executive committee in this action against all major manufacturers of “dynamic random access memory” (“DRAM”), alleging that defendants conspired to fix the prices they charged for DRAM in the United States and throughout the world. The case settled with all defendants for more than \$300 million.
- *In re Vitamins Antitrust Litigation*, Misc. No. 99-0197 (D. D.C.). SRK was a member of the executive committee and co-chair of the discovery committee for plaintiffs in this price-fixing antitrust action which settled for \$300 million.

SRK is also a lead or co-lead counsel in a number of major antitrust cases, including *In re OSB Antitrust Litigation*, Master File No. 06-CV-00826 (PSD) (E.D. Pa.) (partial settlements to date of over \$70 million); and *McDonough v. Toys “R” Us, Inc.*, C.A. No. 0242-AB (E.D. Pa.).

#### **PARTNERS**

**EUGENE A. SPECTOR**, senior partner, has extensive experience in complex litigation, and has represented both plaintiffs and defendants in securities and antitrust cases. Mr. Spector was formerly a litigator with the firm of Schnader, Harrison, Segal and Lewis; and with Gross & Sklar, P.C., where he established and headed the securities litigation section of the firm.

Mr. Spector has served as lead or co-lead counsel for plaintiffs in numerous cases with successful results, such as:

- *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.) (settled for \$202 million, the largest antitrust settlement ever in the Third Circuit).
- *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.), a drug marketing case that settled for \$75 million for indirect purchasers;
- *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.), an price-fixing/market allocation antitrust action that settled for \$120 million;
- *Cohen v. MacAndrews & Forbes Group, Inc.*, C.A. No. 7390 (Del. Ch.), a class action on behalf of shareholders challenging a going-private transaction under Delaware corporate law in which a benefit in excess of \$11,000,000 was obtained



for the class;

- *Goldberg v. Americana Hotels and Realty Corp.*, C.A. No. 86-3166-Y (D. Mass.) (co-lead), a securities fraud class action in which a \$9,500,000 settlement was approved by the Court;
- *Shanno v. Magee Industrial Enterprises, Inc.*, C.A. No. 79-2038 (E.D. Pa.) (trial counsel for defendants), a securities fraud action;
- *In re U.S. Healthcare Securities Litigation*, C.A. No. 88-559 (E.D. Pa.) (trial counsel);
- *PNB Mortgage and Realty Trust by Richardson v. Philadelphia National Bank*, C.A. No. 82-5023 (E.D. Pa.), a shareholders derivative and proxy violation action;
- *In re GCA Corporation Securities Litigation*, C.A. No. 85-4693-C (D. Mass.) (co-lead), a securities fraud action in which a settlement valued at more than \$6,000,000 was obtained;
- *Tolan v. Computervision, Inc.*, C.A. No. 85-1396 (D. Mass.), in which the Court approved a settlement of \$7,500,000 on behalf of the class;
- *In re RAC Mortgage Investment Corp. Securities Litigation*, MDL Docket No. 824 (D. Md.) (co-lead), where the Court approved a settlement of \$11,000,000 on behalf of the class.

Mr. Spector has served as lead counsel or co-lead counsel in a number of other securities fraud class action cases and shareholder derivative actions: *Swanick v. Felton*, C.A. No. 91-1350 (E.D. Pa.); *In re Surgical Laser Technologies, Inc. Securities Litigation*, C.A. No. 91-CV-2478 (E.D. Pa.); *Tolan v. Adler*, C.A. No. C-90-20710-WAI (PVT) (N.D. Cal.); *Rosenthal v. Dean Witter, Reynolds, Inc.*, C.A. No. 91-F-591 (D. Colo.); *Soenen v. American Dental Laser, Inc.*, No. 92 CV 71917 DT (E.D. Mich.); *In re Sunrise Technologies Securities Litigation*, Master File No. C-92-0948-THE (N.D. Cal.); *The Berwyn Fund v. Kline*, C.A. No. 4671-S-1991 (Dauphin Cty. C.C.P.); *In re Pacific Enterprises Securities Litigation*, Master File No. CV-92-0841-JSL (C.D. Cal.); *In re New America High Income Fund Securities Litigation*, Master File No. 90-10782-MA (D. Mass.); and *In re RasterOps Corp. Securities Litigation*, C.A. No. C-92-20349-RMW(EAI) (N.D. Cal. 1992).

Further, Mr. Spector has actively participated as plaintiffs' counsel in national class action antitrust cases, including *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, No. M-02-1486 PJH (N.D. Cal.) (executive committee); *In re Vitamins Antitrust Litigation*, Misc. No. 99-0197 (TFH) (D.D.C.) (Chair of the discovery committee); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D. N.J.) (executive committee); *Ryan-House v. GlaxoSmithKline, plc*, No. 02-CV-442 (ED Va.) (co-chair class certification committee); *In re Bulk [Extruded] Graphite Products Antitrust Litigation*, Master File No. 02-CV-06030 (D. N.J.) (chair of experts committee); *In re Publication Paper Antitrust Litigation*, No 04-MD-1631 (D.



Conn.); *In re Polyester Staple Antitrust Litigation*, No. 03-CV-1576 (W.D.N.C.); *Chlorine & Caustic Soda Antitrust Litigation*, Civ. A. No. 86-5428 (E.D. Pa.); *In re Brand Name Prescription Drug Antitrust Litigation*, MDL No. 997 (N.D. Ill.); *Polypropylene Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.); *NASDAQ Market Markers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.); *Potash Antitrust Litigation*, MDL No. 981 (D. Minn.); *Commercial Tissue Products Antitrust Litigation*, MDL No. 1189 (N.D. Fla.); *High Fructose Corn Syrup Antitrust Litigation*, MDL No. 1087 (C.D. Ill.).

In 2002, Mr. Spector obtained a jury verdict of \$4.5 million in *Heiser v. SEPTA*, No. 3167 July Term 1999 (Phila. C.C.P.), an employment class action.

Mr. Spector is admitted to practice in the Commonwealth of Pennsylvania; the United States Supreme Court; the United States Courts of Appeals for the First, Third, Fifth, Ninth and Tenth Circuits; and the United States District Court for the Eastern District of Pennsylvania. He is a graduate of Temple University (B.A. 1965) and an honors graduate of Temple University School of Law (J.D. 1970), where he was an editor of the *Temple Law Quarterly*. He served as law clerk to the Honorable Herbert B. Cohen and the Honorable Alexander F. Barbieri, Justices of the Pennsylvania Supreme Court (1970-71).

Mr. Spector has written a number of articles over the years which appeared in the *National Law Journal*, the *Legal Intelligencer*, and other trade and legal publications; and he has appeared on CNBC to discuss securities fraud. He is a member of the American, Federal, Pennsylvania and Philadelphia Bar Associations; the American Bar Association's Antitrust and Litigation Sections and the Securities Law Sub-Committee of the Litigation Section; and the Federal Courts Committee of the Philadelphia Bar Association. He is A-V rated by Martindale-Hubbell and has been named by Law & Politics to its list of Pennsylvania "Superlawyers."

**ROBERT M. ROSEMAN**, a founding partner of SRK, chairs the Firm's domestic and international securities practice. His practice focuses on investor protection issues, including enforcement of federal securities laws and state laws involving fiduciary duties of directors.

Mr. Roseman is co-counsel representing Italian, French, and Belgium institutional investors in *In re Parmalat Securities Litigation*, No. 04 Civ. 0030 (LAK) (S.D.N.Y.) (partial settlements to date exceed \$85 million); the Brussels-based KBC Asset Management in *In re Royal Dutch/Shell Securities Litigation*, C.A. No. 04-374 (D. N.J.); and Greek-based Avalon Holdings Inc. in *In re SCOR Holding (Switzerland) AG Litigation*, No. 04 Civ. 07897 (MBM) (S.D.N.Y.) (co-lead counsel for class, settlements of \$145 million pending). He has been a frequent speaker at U.S. and international conferences on issues related to investor protection and corporate governance, including institutional investor conferences in London, Paris and Amsterdam. He was also asked to speak before the United Nations Corporate Governance conference in San Palo in June 2004.

Mr. Roseman has served or is serving as co-lead counsel in numerous major cases, including:

- *In re PSINet, Inc. Securities Litigation*, Civ. No. 00-1850-A (E.D. Va.) (settled for

\$17,833,000 on the eve of trial)

- *Welmon v. Chicago Bridge & Iron Co. N.V.*, No. 06 Civ. 1283 (S.D.N.Y.)
- *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.)
- *O'Brien v. Ashcroft (Tyco Corp. Derivative Litigation)*, No. 03-E-0005 (N.H. Super. Ct.)
- *Brudno v. Wise (El Paso Corp. Derivative Action)*, C.A. No. 19953NC (New Castle Cty., Del. Ch.)
- *In re Xcel Energy, Inc. Securities Derivative & "ERISA" Litigation*, MDL No. 1511 (D. Minn.)
- *In re Capstead Mortgage Corporation Securities Litigation*, No. 3:98-CV-1716-L (N.D. Tex.)
- *In re S3 Securities Litigation*, Master File CV770003 (Sup. Ct. Cal.)
- *In re Conner Peripherals, Inc. Securities Litigation*, Master File No. C-93-20367-JW-(EAI) (N.D. Cal. 1993)
- *In re Information Resources, Inc. Securities Litigation*, Master File No. 94-C-2432 (N.D. Ill. 1994)
- *Felzen v. Andreas (Archer Daniels Midland Co. Derivative Litigation)*, C.A. No. 95-2279 (C.D. Ill.)
- *In re IMP Securities Litigation*, Case No. C-96-20826-SW (PVT) (N.D. Cal.)
- *Sports and Recreation Securities Litigation*, No. 95-424-CIV-T-25C (M.D. Fla.)
- *In re Autodesk, Inc. Securities Litigation*, Master File No. C-92-0553 SAW (JSB) (N.D. Cal.)
- *In re Sam & Libby Securities Litigation*, C.A. No. C-92-1564-WHO (N.D. Cal.)
- *Shore v. Ukropina (Pacific Enterprises, Inc.)*, Case No. BC047961 (Cal. Super. Ct.)
- *In re Syntex Corp. Securities Litigation*, Master File No. 92-20548 (PVT) (N.D. Cal.)
- *In re Shared Medical Systems Corp. Securities Litigation*, Master File No. 87-5601 (E.D. Pa.)

- *In re USACafes, L.P. Litigation*, Consol. C.A. No. 11146 (Del. Ch. 1989)
- *Miller v. New America High Income Fund*, C.A. No. 90-10782-MA (D. Mass.) (chairman of the executive committee)
- *Lucia v. Prospect Street High Income Portfolio, Inc.*, C.A. No. 90-10781-MA (D. Mass.)
- *In re Leslie Fay Securities Litigation*, No. 92 Civ. 8036 (WCC) (S.D.N.Y. 1992) (member of the executive committee)

In addition, Mr. Roseman has played a major role in *In re Edison Schools, Inc. Securities Litigation*, No. 02 Civ. 3692 (S.D.N.Y.); *In re Bristol-Myers Squibb Derivative Litigation*, No. 02 Civ. 8571 (S.D.N.Y.); *In re Iomega Securities Litigation*, C.A. No. 86-273 (D. Conn.); *In re RAC Mortgage Investment Corp. Securities Litigation*, MDL Docket No. 824 (D. Md.); and *In re Wedgestone Financial Securities Litigation*, Master File No. 89-0987-S (D. Mass.).

Mr. Roseman is admitted to practice in the Commonwealth of Pennsylvania and the State of New York; the United States Supreme Court; the Court of Appeals for the Third and Seventh Circuits; and the United States District Courts for the Eastern District of Pennsylvania and the Central District of Illinois. He is also a member of the Philadelphia, Pennsylvania, New York State, and Federal Bar Associations. He has lectured extensively throughout Europe on the role of private litigation in enforcing U.S. securities laws. He earned a B.S. degree with honors in political science from the State University of New York in 1978, and a J.D. degree in 1982 from Temple University School of Law. He is AV-rated by Martindale-Hubbell and has been named by Law & Politics to its list of Pennsylvania "Superlawyers."

**JEFFREY L. KODROFF** concentrates his practice in healthcare antitrust, securities and consumer litigation. He was among the first attorneys to represent clients in class action litigation against national health maintenance organizations. He also filed the first class action complaint against the manufacturers of Lupron relating to the marketing practices and use of the published Average Wholesale Price. Mr. Kodroff was co-lead counsel in *In re Lupron Marketing and Sales Practices Litigation*, MDL No. 1430 (D. Mass.), which settled for \$150 million; and *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.), in which partial settlements already amount to \$230 million.

He has also served as lead or co-lead counsel in other pharmaceutical marketing cases, including *New England Carpenters Health Benefits Fund v. First Databank, Inc.*, C.A. 05-11148 (D. Mass.); and *District 37 Health and Securities Fund v. Medi-Span*, C.A. No. 07-10988 (D. Mass. 2007); *Stop & Shop Supermarket Co. v. Smithkline Beecham Corp.* C.A. 03-4578 (E.D. Pa.) (\$100 million settlement for direct purchasers); *In re Express Scripts, Inc., PBM Litigation*, Master Case No. 05-md-01672-SNL (E.D. Mo.); *In re Lovenox Antitrust Litigation*, Case No. CV05-5598 (C.D. Cal.); *In re Bextra and Celebrex Marketing Sales Practices and Product Liability Litig.*, MDL Docket No. 1699 (N.D. Cal.).

He was recently active in litigating *In re OSB Antitrust Litigation*, Master File No. 06-CV-00826 (PSD) (E.D. Pa.), where a nationwide class of direct purchasers have partial settlements of over \$70 million.

Mr. Kodroff has actively litigated a number of securities cases, including *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.); *In re Dreyfus Aggressive Growth Mutual Fund Litigation*, No. 98 Civ. 4318 (HB) (S.D.N.Y.); *In re Valuevision International, Inc. Securities Litigation*, Master File No. 94-CV-2838 (E.D. Pa.); *In re GTECH Holdings Corp. Securities Litigation*, Master File No. 94-0294 (D.R.I.); *In re The Leslie Fay Companies, Inc. Securities Litigation*, No. 92 Civ. 8036 (S.D.N.Y.); *In re Surgical Laser Technologies, Inc. Securities Litigation*, No. 91-CV-2478 (E.D. Pa.); and *The Berwyn Fund v. Kline*, No. 4671-S-1991 (Dauphin Cty. C.C.P.).

He has served as lead or co-lead counsel in a number of other class actions, including *Kaufman v. Comcast Cablevision of Phila., Inc.*, No. 9712-3756 (Phila. C.C.P.); *In re Managed Care Litigation*, Master File No. 00-1334-MD (S.D. Fla.); *Kalodner v. Michaels Stores, Inc.*, No. 3:95-CV-1903-R (N.D. Tex.); *Tulino v. U.S. Healthcare, Inc.*, No. 95-CV-4176 (E.D. Pa.); *LaChance v. Harrington*, No. 94-CV-4383 (E.D. Pa.); *Smith v. Recordex*, No. 5152, June Term 1991 (Phila. Cty. C.C.P.); *Guerrier v. Advest Inc.*, C.A. No. 90-709 (D. N.J.); and *Pache v. Wallace*, C.A. No. 93-5164 (E.D. Pa.).

Prior to joining the firm, Mr. Kodroff was associated with its predecessor firm, Eugene A. Spector & Associates. His past experience also includes handling corporate transactions, regulatory issues and commercial litigation with the law firm of McNees, Wallace & Nurick in Harrisburg, Pennsylvania.

Mr. Kodroff is admitted to practice in the Commonwealth of Pennsylvania and the United States District Courts for the Middle and Eastern Districts of Pennsylvania. He is a member of the Pennsylvania, Philadelphia and American Bar Associations, and is AV-rated by Martindale-Hubbell. He also serves on the advisory board for the Bureau of National Affairs *Class Action Litigation Report*. Mr. Kodroff has appeared before the U.S. House of Representatives, Subcommittee on Housing and Community Opportunity, Committee on Banking and Financial Services on the issue of predatory lending. He graduated from LaSalle University in 1986 with a B.S. in finance, and received his J.D. in 1989 from Temple University School of Law. He is AV-rated by Martindale-Hubbell.

**JEFFREY J. CORRIGAN** joined SRK in 2000 as a partner to help direct the Firm's complex antitrust litigation. From 1990 until 2000, he was a Trial Attorney with the U.S. Department of Justice in the New York office of the Antitrust Division.

Mr. Corrigan has extensive experience investigating and prosecuting complex antitrust and other white collar criminal cases. He was lead counsel on numerous federal grand jury investigations and has significant federal trial experience as well. His cases include *United States v. Tobacco Valley Sanitation*, Cr. H-90-4 (D. Conn. 1991); and *United States v. Singleton*, Crim. No. 94-10066 (D. Mass. 1995)). He was nominated by the Antitrust Division in 1999 for the Attorney General's Distinguished Service Award for his work on a major case involving bid-

rigging at state courthouses in Queens and Brooklyn in New York City, which resulted in 49 guilty pleas. *United States v. Abrishamian*, No. 98 CR 826 (E.D.N.Y. 1998). Mr. Corrigan also played a major part in *United States v. Canstar Sports USA, Inc.*, C.A. No. 93-7 (D. Vt. 1993), a complex civil antitrust case.

He is co-lead counsel in *In re OSB Antitrust Litigation*, Master File No. 06-CV-00826 (PSD) (E.D. Pa.), where a nationwide class of direct purchasers have partial settlements of over \$70 million; *In re Express Scripts, Inc., PBM Litigation*, Master Case No. 05-md-01672-SNL (E.D. Mo.); and *In re Mercedes-Benz Antitrust Litigation*, Master File No. 99-4311 (D. N.J.) (settled for \$17.5 million). He was also active in *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.), which settled for \$202 million; *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (S.D.N.Y.) which in 2003 settled for \$670 million for all plaintiff groups; and *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.).

Mr. Corrigan is a 1985 graduate of The State University of New York at Stony Brook, where he earned his B.A. in economics. He received his J.D. in 1990 from Fordham University School of Law, where he was a member of the Moot Court Board. Mr. Corrigan is admitted to practice in the States of New York and New Jersey, and in the United States Court of Appeals for the Third Circuit; and the United States District Courts for the District of New Jersey, Southern District of New York and the Eastern District of New York. He is also a member of the New Jersey, New York and American Bar Associations.

**THEODORE M. LIEVERMAN** is a partner in the Firm, focusing on class actions involving unions and union benefit funds. During his 30 years of practice, he has concentrated on civil litigation and appeals involving complex issues of federal law, including claims under the Labor Management Relations Act, the Racketeer Influenced and Corrupt Organizations Act (RICO), federal civil rights statutes, constitutional law, the Employee Retirement Income Security Act (ERISA), the Labor-Management Reporting and Disclosure Act (LMRDA), and antitrust statutes. He has tried numerous cases to judges, juries, and administrative judges.

Mr. Lieverman currently represents employee pension and benefit funds in a number of class actions, including *In re TriCor Antitrust Litigation*, C.A. No. 05-360 (D. Del.); *In re Modafinil Antitrust Litigation*, C.A. No. (E.D. Pa.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1453 (D. Mass.). He is also co-lead counsel for *In re Vioxx*, Case Code No. 619 (N.J. Super. Law Div.) (co-lead counsel for nationwide consumer class). He was co-lead counsel in *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.), which settled for \$75 million; *Cement Masons Local 699 Health & Welfare Fund v. Mylan Laboratories*, Docket No. MER-L-000431-99 (N.J. Super. L.), which in 2000 was part of a \$147 million nationwide settlement; and lead counsel in *Penn Federation BMW v. Norfolk Southern Corp.*, C.A. No. 02-9049 (E.D. Pa.), which alleged ERISA violations and settled for full relief to the class, including important changes in the company's 401(k) plan. In 2001, he was asked to file an amicus brief on behalf of a number of distinguished historians in the important copyright case of *New York Times Co. v. Tasini*, 533 U.S. 483 (2001).

Mr. Lieverman served as co-counsel for a nationwide class of retirees who sued Campbell Soup for lost medical benefits. *Local 56 UFCW v. Campbell Soup Co.*, 954 F. Supp. 1000, 1003



(D. N.J. 1997). He litigated one of the leading case on the use of labor-management cooperation programs in unionized workplaces. *E.I. duPont deNemours & Co.*, 311 NLRB No. 88 (1993).

Other notable cases in which Mr. Lieverman served as lead counsel include *Manufacturers Association of Tri-County v. Knepper*, 801 F.2d 130 (3d Cir. 1986), *cert. denied*, 484 U.S. 815 (1987); *Local 397 IUE v. Midwest Fasteners, Inc.*, 763 F. Supp. 78 (D. N.J. 1990), 779 F. Supp. 788 (D. N.J. 1992); *Doe v. Borough of Barrington*, 729 F. Supp. 376 (D. N.J. 1990); *Knoll v. Springfield Township School District*, 699 F.2d 137 (3d Cir. 1983), *vacated and remanded*, 471 U.S. 288 (1985), *on remand*, 763 F.2d 584 (3d Cir. 1985); and *Araujo v. Welch*, 742 F.2d 802 (3d Cir. 1984).

As a labor lawyer, he has represented many labor organizations, including Council 13, American Federation of State, County and Municipal Employees; Philadelphia Metal Trades Council; Pennsylvania AFL-CIO; Pennsylvania Federation, Brotherhood of Maintenance of Way Employees; Allied Pilots Association; United Food and Commercial Workers International Union; United Food and Commercial Workers Local 56; Chemical Workers Association; Glass, Molders, Pottery, Plastic and Allied Workers Union; Hotel Employees and Restaurant Employees Local 54.

During 1995-1997, Mr. Lieverman served as general counsel to the Court-appointed Election Officer who conducted the 1996 officer elections for the 1.4 million members of the International Brotherhood of Teamsters. *United States v. International Brotherhood of Teamsters*, No. 88 Civ. 4486 (S.D.N.Y.) (numerous reported cases). He also served as general counsel for the Philadelphia Area Project on Occupational Safety and Health in 1983-1992.

He is admitted to practice in Pennsylvania, New Jersey and Massachusetts; the United States Supreme Court; United States Courts of Appeals for the Second, Third, Eleventh, D.C. and Federal Circuits; and the United States District Courts for the Eastern and Middle Districts of Pennsylvania, the District of New Jersey, and the Southern District of New York. He has served as an arbitrator for the United States District Court for the Eastern District of Pennsylvania and the Philadelphia Court of Common Pleas.

He has published a number of articles on the law as well as public policy issues, including (with Howard S. Simonoff) "The RICO-ization of Federal Labor Law: An Argument for Broad Preemption," 8 *The Labor Lawyer* 335 (1992), reprinted in 17 *RICO Law Reporter*, Jan. 1993, at 9; "Are You Ready for This? Some Clients to Avoid," *Trial*, vol. 25, no. 9, at 91 (September 1989); (with William Tomar) "'Caution: We've Discovered a Slight Problem . . . ' The Continuing Duty To Warn in Products Liability Cases," *New Jersey Trial Lawyer* 85 (April 1990); "Law and Power: Some Reflections on Nicaragua, the United States and the World Court," 10 *Maryland Journal of International Law and Trade* 295 (1986).

Mr. Lieverman is AV- rated by Martindale-Hubbell and is listed in *Who's Who in America*, *Who's Who in American Law*, *The Best Lawyers in America*, and Law & Politics' list of Pennsylvania "superlawyers." He has lectured on various legal issues to lawyers and union officials and has been an adjunct professor of law at Rutgers Law School-Camden. He earned a B.A. with general and departmental honors in History from Vassar College and a J.D. degree

from Northeastern University Law School. Mr. Lieverman is a member of the AFL-CIO Lawyers Coordinating Committee, the Philadelphia Chapter of the Labor Education and Research Association, the American Antitrust Institute, the American Constitution Society, and the Philadelphia Bar Association.

**ANDREW D. ABRAMOWITZ**, a partner in the Firm, graduated *cum laude* from Franklin and Marshall College in 1993, where he earned a B.A. in Government. Mr. Abramowitz received his J.D. in 1996 from the University of Maryland School of Law, where he was Assistant Editor for *The Business Lawyer*, published jointly with the American Bar Association. He was formerly an associate at Polovoy & Turner, LLC, in Baltimore, where he practiced commercial litigation and corporate transactional law, and was a law clerk at the Office of the Attorney General of Maryland in the Department of Business and Economic Development.

Among recent cases in which Mr. Abramowitz has participated are *In re Parmalat Securities Litigation*, No. 04 Civ. 0030 (LAK) (S.D.N.Y.); *In re Royal Dutch/Shell Securities Litigation*, C.A. No. 04-374 (D. N.J.); *In re SCOR Holding (Switzerland) AG Litigation*, No. 04 Civ. 07897 (MBM) (S.D.N.Y.); *In re PSINet, Inc. Securities Litigation*, Civ. No. 00-1850-A (E.D. Va.); *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.); *O'Brien v. Ashcroft (Tyco Corp. Derivative Litigation)*, No. 03-E-0005 (N.H. Super. Ct.); *Brudno v. Wise (El Paso Corp. Derivative Action)*, C.A. No. 19953NC (Del. Ch.); *In re Xcel Energy, Inc. Securities Derivative & "ERISA" Litigation*, MDL No. 1511 (D. Minn.); *In re Bristol-Myers Squibb Derivative Litigation*, No. 02 Civ. 8571 (S.D.N.Y.); *Penn Federation BMW v. Norfolk Southern Corp.*, C.A. No. 02-9049 (E.D. Pa.); *Rosenthal v. Dean Witter Reynolds, Inc.*, No. 91-CV-429 (Dist. Ct. Douglas Cty., Colo.); *In re Visa Check/MasterMoney Antitrust Litigation*, No. CV-96-5238 (S.D.N.Y.); *Moskowitz v. Mitcham Industries, Inc.*, C.A. No. H-98-1244 (S.D. Tex.); and *In re Flat Glass Antitrust Litigation*, C.A. No. 97-550 (W.D. Pa.).

Mr. Abramowitz is admitted to practice in the State of Maryland and the United States District Court for the District of Maryland. He is a member of the Maryland Bar Association.

**JOHN MACORETTA** represents both individuals and businesses in a wide variety of litigation and transactional matters, including secured and unsecured lending, collections, bankruptcy and insurance matters. He also represents investors in stock-broker arbitration and class-action securities fraud litigation.

He has been involved in a number of significant cases, including *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.) (where he acted as one of the trial counsel); *In re Lupron Marketing and Sales Practices Litigation*, MDL No. 1430 (D. Mass.); *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.); *Masters v. Wilhelmina Model Agency, Inc.*, No. 02 Civ. 4911 (S.D.N.Y.); *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, C.A. No. M-02-1486 PJH (N.D. Cal.).

Mr. Macoretta graduated with honors from the University of Texas Law School in 1990 and received his undergraduate degree *cum laude* from LaSalle University in 1986. He is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey; the United States Court of Appeals for the Third Circuit; and the United States District Court for the



Eastern District of Pennsylvania. In addition to being a member of the Philadelphia Bar Association, Mr. Macoretta also serves as an arbitrator in the Philadelphia Court of Common Pleas.

**WILLIAM G. CALDES** is a 1986 graduate of the University of Delaware, where he earned a B.A. with a double major in Economics and Political Science. Mr. Caldes received his J.D. in 1994 from Rutgers School of Law at Camden, and then served as law clerk to the Honorable Rushton H. Ridgway of New Jersey Superior Court, Cumberland County. Mr. Caldes was formerly associated with the law firm Meredith, Cohen, Greenfogel & Skirnick, where he practiced in the areas of antitrust, securities, and other complex litigation.

Among the recent cases in which Mr. Caldes has participated are *McDonough v. Toys “R” Us, Inc.*, C.A. No. 06-0242-AB (E.D. Pa.); *In re McKesson HBOC, Inc. Securities Litigation*, Master File No. 99-CV-20743 (N.D. Cal.); *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.); *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (S.D.N.Y.); *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.); *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, No. M-02-1486 PJH (N.D. Cal.); *In re Baycol Products Litigation*, No. 1431 (D. Minn.); *In re Vitamins Antitrust Litigation*, Misc. No. 99-0197 (TFH) (D.D.C.).

He has also participated in such cases as *General Refractories Co. v. Washington Mills Electro Minerals Corp.*, No. 95-CV-580S(S) (E.D.N.Y.); *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 94-C-897 (N.D. Ill.); *In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); and *In re Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.). Mr. Caldes is admitted to practice in the Commonwealth of Pennsylvania, the State of New Jersey, the United States Court of Appeals for the Third Circuit, and the United States District Courts for the District of New Jersey and the Eastern District of Pennsylvania.

**JAY S. COHEN** has focused his practice on complex and class action litigation, particularly antitrust cases, consumer protection and shareholder rights. Mr. Cohen is currently co-lead counsel in *In re OSB Antitrust Litigation*, Master File No. 06-CV-00826 (PSD) (E.D. Pa.). He was also actively involved in *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.); *In re Industrial Silicon Antitrust Litigation*, Master File No. 95-2104 (W.D. Pa.); *In re Chlorine and Caustic Soda Antitrust Litigation*, Master File No. 86-5428 (E.D. Pa.); *In re Nylon Carpet Antitrust Litigation*, No. 4:98-CV-0267-HLM (N.D. Ga.); *In re Polypropylene Carpet Antitrust Litigation*, No. 4:95-CV-193-HLM (N.D. Ga.); and *Paper Systems, Inc. v. Mitsubishi Corp.*, No. 96-C-0959 (E.D. Wis.).

Mr. Cohen has been lead counsel in class actions successfully prosecuted on behalf of consumers nationwide and in Pennsylvania, including *Duboff v. SmithKline Beecham, PLC.*, No. 5004 December Term 1990 (Phila. C.C.P.); *Tracy v. AAMCO Transmissions, Inc.*, No. 4840 October Term 1990 (Phila. C.C.P.); and, as co-lead counsel, in *Mauger v. Home Shopping Network, Inc.*, No. 91-6152-20-1 (Bucks Cty. C.C.P.).

Mr. Cohen led the class action securities department of Gross & Sklar in 1987, where he

had litigated shareholder rights cases since 1983. Mr. Cohen was actively involved in successful class actions on behalf of defrauded investors, including *In re Oak Industries Securities Litigation*, Master File No. 83-0537 (S.D. Cal.); *In re Nucorp Energy Securities Litigation*, MDL No. 514 (S.D. Cal.); *Wilkes v. Heritage Bancorp, Inc.*, No. 90-11151-F (D. Mass.); *Philadelphia Electric Co. Derivative Litigation*, No. 7090 March Term 1987 (Phila. Cty. C.C.P.); *In re Flight Transportation Corp. Securities Litigation*, Master Docket No. 4-82-874 (D. Minn.); *Priest v. Zayre Corp.*, C.A. No. 86-2411-2 (D. Mass.); *Tolan v. Computervision Corp.*, C.A. No. 85-1396-N (D. Mass.); *In re U.S. Healthcare, Inc. Securities Litigation*, Master File No. 88-0559 (E.D. Pa.); and *In re SmithKline Beecham Securities Litigation*, Master File No. 88-7474 (E.D. Pa.).

Mr. Cohen was also associated with the firm of Kohn, Savett, Marion & Graf (now Kohn, Swift & Graf) (1978-1982). There, he participated in a number of cases with multi-million dollar results, including *In re Fine Paper Antitrust Litigation*, MDL No. 323 (E.D. Pa.); *In re Folding Carton Antitrust Litigation*, Master File No. 250 (N.D. Ill.); *In re Glassine and Greaseproof Paper Antitrust Litigation*, MDL No. 475 (E.D. Pa.); *In re Water Heaters Antitrust Litigation*, MDL No. 379 (E.D. Pa.); *In re Corrugated Containers Antitrust Litigation*, MDL No. 310 (N.D. Tex.).

Mr. Cohen served as a Captain in the United States Army Judge Advocate General's Corps in Falls Church, Virginia from 1974 to 1977, where his practice was limited to criminal appeals. He also served as Case Notes Editor of *The Advocate*, which was a worldwide publication devoted to military law.

Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania; the United States Court of Appeals for the Third Circuit; the United States District Court for the Eastern District of Pennsylvania; the Court of Military Appeals; and the Army Court of Military Review. Mr. Cohen received a B.A. degree *cum laude* from Temple University in 1971, and graduated with a J.D. degree from Temple University School of Law in 1974. He is a member of the Philadelphia Bar Association.

#### ASSOCIATES

**DAVID FELDERMAN** is a 1991 graduate of the University of Pennsylvania where he earned a B.A. degree in Economics. He received his J.D. degree *cum laude* from Temple University School of Law in 1996. Upon graduation from law school, Mr. Felderman served as a law clerk to the Honorable Bernard J. Goodheart in the Court of Common Pleas, Philadelphia County. He was formerly associated with the law firm of McEldrew & Fullam, P.C., where his practice focused on medical malpractice litigation.

Among the recent cases in which Mr. Felderman is involved are *Funeral Consumers Alliance, Inc. v. Service Corporation International*, C.A. No. H-05-3394 (S.D. Tex.); and *In re Insurance Brokerage Antitrust Litigation*, MDL Docket 1663 (D. N.J.); *Ong v. Sears Roebuck and Co.*, C.A. No. 03-4142 (N.D. Ill.); *In re SCOR Holding (Switzerland) AG Litigation*, No. 04 Civ. 07897 (MBM) (S.D.N.Y.); and *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL Docket No. 1456 (D. Mass.);

He has also been involved in *In re AOL Time Warner Securities Litigation*, MDL Docket 1500 (S.D.N.Y.) (settled for \$2.4 billion); *In re Microstrategy, Inc. Securities Litigation*, C.A. No. 00-473-A (E.D. Va.); *In re Revlon, Inc. Securities Litigation*, No. 99 Civ.10192 (S.D.N.Y.); *In re S3 Securities Litigation*, Master File CV770003 (Sup. Ct. Cal.); *In re McKesson HBOC, Inc. Securities Litigation*, Master File No. 99-CV-20743 (N.D. Cal.); *In re Lupron Marketing and Sales Practices Litigation*, MDL Docket No. 1430 (D. Mass); *In re Managed Care Litigation*, C.A. No. 00-1334-MD (S.D. Fla.); *In re Monosodium Glutamate Antitrust Litigation*, MDL Docket No. 1328 (D. Minn); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); *In re Mercedes-Benz Antitrust Litigation*, Master File No. 99-4311 (D. N.J.); and *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.).

Mr. Felderman is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as in the United States Court of Appeals for the Third Circuit; and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. He is currently a member of the American and Philadelphia Bar Associations. Mr. Felderman served a three year term (2000-2002) as a member of the Executive Committee of the Philadelphia Bar Association's Young Lawyers Division. As part of this commitment, he co-Chaired Legal Line, P.M. which won a national award from Lexis-Nexis during the second year that he co-Chaired the program. Mr. Felderman also previously served as a member of the Philadelphia Bar Association's State Civil Committee and the Pennsylvania Trial Lawyers Association's New Lawyer Section Leadership Council. He is also a Charter Member of the Philadelphia Bar Foundation's Young Lawyers Division of the Andrew Hamilton Circle.

**DANIEL J. MIRARCHI** concentrates his practice in antitrust, securities and consumer litigation. Prior to joining the Firm, He was associated with the law firms of Wilson, Elser, Moskowitz, Edelman & Dicker; and Marks, O'Neill, O'Brien & Courtney, where he handled products liability, complex insurance coverage and commercial matters. His past experience also includes appointment as staff counsel to the AHP Settlement Trust, the entity responsible for administering the class action settlement reached in the *In re Diet Drugs Products Liability Litigation*, MDL No. 1203 (E.D. Pa.).

Among the recent cases in which Mr. Mirarchi has participated are *In re Parmalat Securities Litigation*, No. 04 Civ. 0030 (LAK) (S.D.N.Y.); *In re SCOR Holding (Switzerland) AG Litigation*, No. 04 Civ. 07897 (MBM) (S.D.N.Y.); *Welmon v. Chicago Bridge & Iron Co. N.V.*, No. 06 Civ. 1283 (S.D.N.Y.). He has also been active in *In re K-Dur Antitrust Litigation*, C.A. No. 01-1652 (D.N.J.); and *In re Vioxx Litigation*, No. 619 (N.J. Super. L.).

He earned his B.A. from Temple University in 1995 and his law degree from the St. John's University School of Law in 1999. During law school, Mr. Mirarchi was a legal extern for Justice Arthur Cooperman of the New York State Supreme Court, Queens County, and served as an intern to the Philadelphia District Attorney's Office and the Pennsylvania Attorney General's Office.

Mr. Mirarchi is admitted to practice in the State of Pennsylvania and the United States District Court for the Eastern District of Pennsylvania. He is a member of the Philadelphia and Pennsylvania Bar Associations.

**RACHEL E. KOPP** earned her law degree from Villanova University Law School in 2003. She served as president of the Law School's Sports and Entertainment Law Society, and received a Public Interest Fellowship from the Law School in 2002. She earned her B.A. degree in 2000 from the University of Maryland, majoring in Government and Politics, with a concentration in Languages.

During law school, Ms. Kopp served as a legal intern with the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.; MTV Networks; the mediation program of the U.S. Court of Appeals for the Third Circuit; Philadelphia Volunteer Lawyers for the Arts; and Volunteer Lawyers for the Arts in New York. She is admitted to practice in Pennsylvania and New Jersey, as well as the U.S. District Court for the Eastern District of Pennsylvania. She is a member of the American, Pennsylvania, and New Jersey Bar Associations.

She has been heavily involved in *In re Parmalat Securities Litigation*, No. 04 Civ. 0030 (LAK) (S.D.N.Y.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.); and *In re Converium Holding AG Litigation*, No. 04 Civ. 07897 (MBM) (S.D.N.Y.).

**MARY ANN GIORNO** graduated *cum laude* from St. Joseph's University in 2000, with a B.S. degree in Finance. She received her Juris Doctor degree from the Widener University School of Law in 2003, where she served as the Articles Editor of the Widener Law Symposium Journal. She also was a legal intern for the Honorable James J. Fitzgerald of the Philadelphia Court of Common Pleas.

Prior to joining the Firm, Ms. Giorno was associated with the law firms of Margolis Edelstein; and Weber Gallagher Simpson Stapleton Fires & Newby, LLP, both located in Philadelphia. She has successfully tried numerous arbitrations and a major jury trial.

Ms. Giorno is currently admitted to practice law in Pennsylvania, New Jersey, and the United States District Court for the Eastern District of Pennsylvania. Ms. Giorno currently serves as an Arbitrator for the Philadelphia Court of Common Pleas and is a member of the American, Pennsylvania, and Philadelphia Bar Associations.

**JONATHAN M. JAGHER** was a supervising Assistant District Attorney for the Middlesex District Attorney in Cambridge, Massachusetts. As a prosecutor, he tried approximately forty cases to a jury and conducted numerous investigations. Mr. Jagher was previously associated with the law firm of Bellotti & Barretto, P.C., in Cambridge, Massachusetts, handling civil litigation. He is currently working on *In re OSB Antitrust Litigation*, Master File No. 06-CV-00826 (PSD) (E.D. Pa.). Mr. Jagher received a B.A. degree *magna cum laude* from Boston University in 1998, and a J.D. degree from Washington University School of Law in 2001. He is currently admitted to practice law in Pennsylvania, Massachusetts, the United States Court of Appeals for the Third Circuit, and the United States District Court for the District of Massachusetts.

**JEFFREY L. SPECTOR** graduated from the University of Pennsylvania in 2000 with a B.S. in Economics and concentrations in Marketing and Legal Studies. He received his J.D.

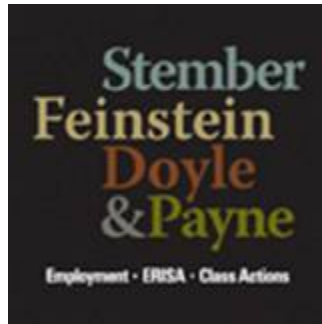
degree from Temple University in 2007. Prior to attending law school, Mr. Spector worked for the William Morris Agency in New York as a part of its prestigious Agent Training Program.

Mr. Spector is involved in *McDonough v. Toys “R” Us, Inc.*, C.A. No. 06-242 (E.D.Pa.); *Morris v. ADT Security Services, Inc.*, C.A. No. 07-80950 (S.D. Fla.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.); and *Morris v. Mercedes-Benz USA*, Docket No. BER-L-2592-07 (N.J. Super. L.).

He is admitted to practice in Pennsylvania, New Jersey, and the United States District Court for the District of New Jersey. Mr. Spector is a member of the American, Pennsylvania, and Philadelphia Bar Associations.

# **EXHIBIT 2**





429 Forbes Avenue  
Allegheny Building, 17th Floor  
Pittsburgh, PA 15219  
[www.stemberfeinstein.com](http://www.stemberfeinstein.com)  
T: 412.281.8400  
F: 412-281-1007

---

#### **JOHN STEMBER**

John Stember is a partner in Stember Feinstein Doyle & Payne, and specializes in litigating class action lawsuits that seek to protect the retirement benefits of employees and retirees.

John received his B.A. (cum laude) from Ohio University in 1972 and his J.D. from the University of Pittsburgh School of Law in 1976. After graduation, he worked for Neighborhood Legal Services (from 1976 to 1995). He then joined Healey, Davidson & Hornack, PC, representing individuals and unions regarding Title VII, ERISA, NLRB, and unemployment insurance. From 1996 through 2003, John practiced solo concentrating in employment, labor, employee benefits and ERISA and represented unions and employees. In 2003, he established Stember Feinstein specializing in ERISA class action litigation and employment discrimination.

Over the last decade, John has been litigating a number of large class actions involving termination or reduction of retiree healthcare benefits. These cases have involved thousands of former union employees, including former Steelworkers, Chemical Workers, United Electrical Workers and members of PACE. See, e.g., Crown Cork & Seal v. United Steelworkers of America, 32 E.B.C. 1950, 2004 U.S. Dist. LEXIS 760 (W.D. Pa. 2004); Rexam, Inc. v. United Steelworkers of America, 2006 WL 2530384 (D.Minn. Aug. 31, 2006); Pringle v. Continental Tire North America, 06-cv-02985 (N.D. Ohio); Santos v. Pechiney Plastics Packaging Inc., Case C 05-00149 (N.D. Calif.); Theis v. Sunoco, Case 04-0199 (W.D. Pa); United Auto Workers v. General Motors, 235 F.R.D. 383 (E.D. Mich. 2006); United Auto Workers v. Ford Motor Co., 2006 U.S. Dist. LEXIS 70471 (E.D. Mich. July 13, 2006).

John is the longtime Chair of the Board of the Mon Valley Unemployed Committee, a non-profit group dedicated to assisting dislocated workers throughout Western Pennsylvania. He was a founding Board Member of the Steel Valley Authority, one of the first municipal authorities created to facilitate industrial retention. John was also past president of the Iron City Legal



Assistance Workers / UAW Local. He is also a member of the LCC (Lawyer's Coordinating Committee) and NELA (National Employment Lawyers Association).

John is admitted to practice in all state courts in Pennsylvania, the U.S. District Court for the Western District of Pennsylvania, the Northern District of Ohio, the Southern District of Ohio, the Eastern District of Michigan, several circuit courts of appeals, and the United States Supreme Court.

#### **EDWARD J. FEINSTEIN**

Edward is a partner in Stember Feinstein Doyle & Payne, and specializes in litigating class action lawsuits under ERISA.

Ed received his B.A. from the University of Massachusetts – Amherst in 1970 and his J.D. from Boston College Law School in 1973. After law school, Ed worked as an attorney for the Connecticut Public Interest Research Group. From 1975 to 1978, he was a staff attorney with Connecticut Legal Services in Norwalk, CT. From 1978 through 1986, he was an attorney with Neighborhood Legal Services Association in Pittsburgh, PA where he concentrated in civil rights, disabilities, institutional reform and health care access. Since 1986, he has been in private practice concentrating in class actions (ERISA), civil rights, special education law, and employment discrimination. He and John Stember formed Stember Feinstein in 2003, which became Stember Feinstein Doyle & Payne in August 2007.

Ed has served as class counsel in a number of class actions for over the last 20 years. These have included: *Rexam, Inc. v. United Steelworkers of America*, 2006 WL 2530384 (D.Minn. Aug. 31, 2006) (ERISA – retiree health benefits); *United Auto Workers v. General Motors*, 235 F.R.D. 383 (E.D. Mich. 2006) (ERISA – retiree health); *United Auto Workers v. Ford Motor Co.*, 2006 U.S. Dist. LEXIS 70471 (E.D. Mich. July 13, 2006) (ERISA – retiree health); *ACF Industries v. Chapman*, 2004 U.S. Dist. LEXIS 27245 (E.D. Mo. 2004) (ERISA – retiree health); *Asarco v. United Steelworkers of America*, 2005 U.S. Dist. Lexis 20873 (D. Ariz. 2005) (ERISA – retiree health); *Inmates of the Allegheny County Jail v. Wecht, et al.*, 565 F. Supp. 1278 (W.D. Pa. 1983) (class action jail conditions and overcrowding lawsuit resulting in population cap and remedy for unconstitutional conditions); *Hoots, et al. v. Comm. of Pa., et al.*, Case 71-538 (W.D. Pa. 1973) (class action inter-district school desegregation case; representation from 1983 through declaration of unitary status in 2003); *Tillery, et al., v. Owens, et al.*, 719 F. Supp. 1256 (W.D. Pa. 1989), 907 F.2d 879 (3d Cir. 1990) (successful class action challenge to state prison overcrowding and unconstitutional conditions); *United States and Richard Ganaway, et al., v. Charleston County School District, et al.*, Case 81-50-8 (D.S.C.) (class action litigation to desegregate schools across the “constituent districts: of Charleston County, South Carolina).

#### **ELLEN M. DOYLE**

Ellen M. Doyle is a partner in Stember Feinstein Doyle & Payne, LLC. Since 1982 (after seven years of civil rights litigation in the public interest sector) she has been litigating complex class

actions against a broad range of large financial and corporate defendants in federal and state courts.

She has extensive experience in representing classes of ERISA plan participants who allege breaches of fiduciary duties with respect to 401k plans, ESOP plans, or other defined contribution plans. Indeed, in 1997, Ms. Doyle initiated Blyler v. Agee, Case CV 97-0332 (D. Idaho), in which she served as co-lead counsel in one of the very first actions challenging the prudence of investment in the company stock fund by a 401(k) plan's fiduciaries. That same year she began litigation in which she served as co-lead counsel in Presley v. Carter Hawley Hale Profit Sharing Plan, Case 97-CV-04316 (N.D. Cal.), which involved an ESOP plan which held company stock into the company's bankruptcy.

Examples of other ERISA class actions challenging the prudence of investment in company stock in which Ms. Doyle has been appointed to serve as co-lead counsel are Sherrill v. Federal Mogul Corp. Retirement Programs Committee, Case 04-72949 (E.D. Mich.), In Re RCN Corporation ERISA Litigation, Master File : 04-CV-5068 (D.N.J.), In re CMS Energy ERISA Litig., 02-72834 (E.D. Mich.), In re Computer Associates ERISA Litig., Case CV-02-6281 (S.D.N.Y.); Kling v. Fidelity Management Trust Co., 01-11939 (D. Mass.); In re McKesson HBOC, Inc. ERISA Litig., C00-20030 (N.D. Cal.); Koch v. Dwyer, 98-Civ.-5519 (S.D.N.Y.). Koch was one of the first company stock cases litigated in this District. Ms. Doyle had years of experience in litigating ERISA class actions before 1997 when she started filing company stock cases. She has also represented classes of plan participants in defined benefit pension plans, including in cases such as DiCioccio v. Duquesne Light Co., 93-0442 (W.D. Pa.); Barnes v. Bell Helicopter Textron, Inc., CA-92-CV-0694-D (N.D. Tex.); In re Gulf Pension Litig., H-86-4365 (S.D. Tex.).

Ellen has also served as class counsel for medical benefit plan participants in ERISA covered plans, including Fischel v. The Equitable Life Assurance Society of the United States, Case 96-04202 (N.D. Cal.); In re Blue Cross of Western Pennsylvania Litig., 93-1591 (W.D. Pa.); and Kennedy v. United Healthcare of Ohio, Inc., C2-98-128 (S.D. Ohio).

Ellen's current representations include litigation on behalf of 401(k) plan participants in a number of cases alleging breaches of fiduciary duty through imprudent investing, representing ERISA health plan participants in cases involving wrongful denial of benefits, representing homeowners in Pennsylvania denied replacement cost benefits by a major insurance carrier, and representing hundreds of thousands of retirees in ERISA retiree health benefit litigation involving General Motors, the Ford Motor Company, and Chrysler LLC.

Ellen was selected for membership in the Academy of Trial Lawyers of Allegheny County and has served on that organization's Board of Directors, has served as Chair of the Insurance Section of the American Trial Lawyers Association, has served as the Vice-Chair of the Advisory Committee for the Rules of the United States District Court for the Western District of Pennsylvania. She currently serves as the Plaintiffs' Co-Chair of the ERISA Sub-Committee of the Employee Rights and Responsibilities Committee of the American Bar Association.

Ellen has authored numerous publications, including: *ERISA Litigation: The View from the Plaintiff's Side*, Vol. XXII, The Barrister (Autumn, 1991); *Fiduciaries Beware: Communications Between Administrators and Counsel Are Not Privileged*, Vol. 6, Benefits Law Journal, 2 (Summer 1993); *The 80/20 Percent Solution: Enforcing Medical Coverage Promises*, Vol. 32, Trial 10 (October 1996) (co-author); *Suing Banks and Financial Institutions: Perspective of Plaintiffs' Counsel*, Banking and Financial Services Conference, Pennsylvania Bar Institute (1990); *Non-Party Written Discovery: Requirements and Techniques*, Pennsylvania Bar Institute (1992); *Keeping Secrets: Confidentiality in Medical Benefits Plan Administration and Litigation*, Vol. 8, Benefits Law Journal, 1 (Spring, 1995); and *Taking Legal Action to Protect Policyholders' Ownership Rights in the Wake of the Continuing Trend Toward Insurance Company Demutualization*, ATLA Insurance Law Section Newsletter (Fall, 2000) (co-author).

Ellen is admitted to practice in Pennsylvania, the United States District Courts for the Western District of Pennsylvania and the Eastern District of Michigan, the Second, Third, Fourth, Fifth, Sixth, Seventh and Ninth Circuit Courts of Appeal and the United States Supreme Court. She has been given the highest possible rating (AV) by the Martindale-Hubbell Law Directory.

Ellen is a 1975 graduate of Northeastern University School of Law, has been a member of the Pennsylvania Bar since 1975.

#### **WILLIAM T. PAYNE**

William T. Payne is a partner in Stember Feinstein Doyle & Payne, and specializes in litigating class action lawsuits that seek to protect retirement benefits of employees and retirees.

Over the past twenty-five years, Bill has served as counsel for retirees or employees in more than eighty class action lawsuits throughout the United States, many of which challenged cuts in company-provided retiree health care benefits. For example, in 2006, Bill was appointed as class counsel to represent nearly 600,000 former UAW members (and spouses of members) in actions against General Motors and Ford that were worth billions of dollars. See UAW v. Ford Motor Co., 2006 U.S. Dist. LEXIS 70471 (E.D. Mich. 2006); UAW v. GM, 2006 U.S. Dist. LEXIS 14890 (D. Mich. 2006). In other consolidated cases, Bill served as one of the counsel for a class of former employees of Continental Can who were terminated to prevent them from becoming eligible for pension and other retirement benefits. The dispute turned into a nine-year legal battle that ultimately resulted in \$415 million settlement. See Gavalik v. Continental Can, 812 F.2d 834 (3d Cir. 1987); McLendon v. Continental Group, 749 F. Supp. 582 (D.N.J. 1989), aff'd, 908 F.2d 1171 (3d Cir. 1990).

Bill received his B.A. (summa cum laude) from the University of Pittsburgh in 1975, and received his J.D. from the University of California-Berkeley (Boalt Hall) in 1979. During law school, he served as Associate Editor of the Industrial Relations Law Journal (now known as Berkeley Journal of Employment and Labor Law), and received the AmJur Award. After three years of practicing labor law (first in Washington, D.C., and then in San Francisco), Bill served as Assistant General Counsel of the United Steelworkers in Pittsburgh between 1982 and 1991. For most of those nine years, he had primary responsibility for the Union's ERISA litigation

throughout the United States. From 1991 to 2006, Bill was partner and later Of Counsel to the firm of Schwartz, Steinsapir, Dohrmann & Sommers, LLP in Los Angeles, CA and in Pittsburgh, PA.

Bill actively participates in the American Bar Association's Labor and Employment Law Section, and serves as chairperson of the Subcommittee for Benefit Claims and Individual Rights within that Section's Benefits Committee. He is also member of the Lawyers Coordinating Committee for the AFL-CIO, and of the National Employment Lawyers Association. Bill is a Charter Fellow of the American College of Employee Benefits Counsel, and also served on the Board of the Los Angeles County Bar Association.

Bill has also authored numerous papers relating to labor and employment law, such as "Battling for Benefits," Trial (December 2005) (with J. Stember and S. Pincus); "Protecting Rights to Early Retirement Benefits," 2 Employee Rights Quarterly 58 (2001); "Retiree Health Benefits: Sixth Circuit Deals the Retirees Out," 14 The Labor Lawyer 475 (1999) (with S. Sacher); "Lawsuits Challenging Termination or Modification of Retiree Welfare Benefits," 10 The Labor Lawyer 91 (1994); and "Enjoining Employers Pending Arbitration," 3 Ind.Rel.L.J. 169 (1979). He has served as both a Contributing Author and Chapter Editor of Employee Benefits Law (BNA Books), authored by the ABA Labor Section's Benefits Committee. He frequently lectures on labor and employment law topics at educational conferences.

Bill is admitted to practice in all state courts in California and Pennsylvania, as well as in numerous federal district and circuit courts, and before the United States Supreme Court.

#### **PAMINA EWING**

Pamina Ewing is an attorney with Stember Feinstein Doyle & Payne, LLC.

Pamina is a 1984 graduate of Carleton College in Northfield, Minnesota (cum laude), and a 1990 graduate of the University of Pittsburgh School of Law where she was Executive Editor of the Law Review.

Following graduation from law school, Ms. Ewing clerked for the Honorable Gustave Diamond of the United States District Court for the Western District of Pennsylvania and then worked at Reed Smith for several years where she focused her work in employment law and general litigation. She joined the predecessor to Stember Feinstein Doyle & Payne in 2003 and has focused her work on the firm's class action litigation. She is admitted to practice in Pennsylvania, as well as in numerous federal district and circuit courts.

#### **STEPHEN M. PINCUS**

Stephen M. Pincus is an attorney with Stember Feinstein Doyle & Payne, LLC focusing on employment, employee benefits, and class action cases.

Stephen is an honors graduate from the University of Michigan – Ann Arbor (B.A., 1989). He received his law degree (with honors) in 1993 from the University of Maryland School of Law. Following graduation from law school, Stephen was selected by Yale Law School to be a Robert M. Cover Fellow in Public Interest Law. As a Cover Fellow, Stephen co-directed a legal clinic at Yale that served the needs of persons with HIV/AIDS. After the two-year fellowship, Mr. Pincus served as the first law clerk to the Honorable Janet Bond Arterton of the United States District Court for the District of Connecticut.

Following the clerkship, Stephen worked as an attorney with the law firm of Rosen & Dolan in New Haven, Connecticut, where he specialized in representing individuals in employment, civil rights, and personal injury cases. Among his more notable cases was a civil rights case against the State of Connecticut in which the jury awarded a record \$1 million for the loss of life for a person with mental retardation. Stephen also brought numerous cases against municipalities for discriminatory hiring and violations of due process and civil rights laws. Stephen then became counsel for SBC Communications where he litigated employment discrimination cases. Since joining the predecessor to Stember Feinstein Doyle & Payne in 2003, Stephen has concentrated his work in representing individuals in employment law actions and retirees in a series of nationwide class actions law suits involving cuts to health benefits.

Stephen is a member of the bars of Pennsylvania, Connecticut and Maryland (inactive). He has written articles in legal publications including *Trial*, *Stetson Law Review*, *Clinical Law Review*, *Pennsylvania Municipalities*, and the Allegheny County Bar Association's *Legal Journal*. In 2005, he was named by *Pittsburgh Magazine* as one of Pittsburgh's "40 under 40" who are making a positive contribution to the region. In 2006, he was named by the *Legal Intelligencer*, Philadelphia's legal newspaper, as one of Pennsylvania's "Lawyers on a Fast Track."

#### **JOEL R. HURT**

Joel R. Hurt is an attorney with Stember Feinstein Doyle & Payne, LLC who spends the majority of his professional time engaged in class action litigation in the areas of employee benefits and insurance. He has been actively involved in pursuing ERISA claims related to the imprudent investment of 401(k) plan and ESOP assets in employer securities, as well as claims involving the interpretation of group medical benefits plans. See, e.g., Kling v. Fidelity Management Trust Co., Case 01-11939 (D.Mass.) (appointed class counsel in case for breach of fiduciary duty related to continued investment in employer stock in 401(k) plan, recovering \$10.85 million); In re: CMS ERISA Litigation, Master File 02-72834 (E.D.Mich) (\$28 million settlement of fiduciary breach case involving employer stock in 401(k) plan/ESOP); In re McKesson HBOC, Inc. ERISA Litigation, Master File C00-20030 RMW (N.D.Cal.) (\$18.2 million settlement of fiduciary breach case involving employer stock in 401(k) plan); Kennedy, et al. v. United Healthcare of Ohio, Inc., Case C2-98-128 (S.D.Ohio) (\$1.95 million recovery in case challenging allocation of co-payments by medical benefits administrator/insurer). He has also actively participated in the prosecution of state-court class actions involving replacement cost homeowners insurance. See Pogel v. State Farm Mut. Ins. Co., 74 Pa.D.&C. 4th 1, 2005 WL 3675376 (C.P., Allegheny, September 1, 2005) (granting summary judgment in favor of class of State Farm insureds).



Joel was selected as a 2006 Pennsylvania Super Lawyers Rising Star by the publishers of Law & Politics magazine. He is also the author of "Winning With Grammar," published in the ATLA Insurance Law Section Newsletter, Winter 2006, addressing the use of expert testimony to demonstrate that an insurer's policy interpretation is unreasonable because it violates the rules of grammar.

Joel graduated from the University of Pittsburgh School of Law in 2000 and joined Stember Feinstein Doyle & Payne, LLC in 2007. Prior to that, Mr. Hurt practiced with Malakoff Doyle & Finberg, PC from 2000 to 2007. He is admitted to practice before the courts of Pennsylvania, the United States District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Eleventh Circuit. His professional memberships include the Allegheny County Bar Association, the Pittsburgh Chapter of the American Inns of Court, the American Association for Justice and the Western Pennsylvania Trial Lawyers Association.

#### **JONATHAN K. COHN**

Jonathan Cohn is an attorney specializing in employee benefits, labor, employment, class action, and commercial litigation cases.

Jonathan received his undergraduate degree in history from the University of Texas at Austin, where he completed the Plan II Honors Liberal Arts Program. He graduated cum laude from Fordham University School of Law in New York City in 1997. His accomplishments in law school include serving as a member of the Fordham Law Review and selection for the Order of the Coif (top 10% of his class).

After graduating from law school, Jonathan served as a Pro Se Law Clerk for the United States Court of Appeals for the Second Circuit. He then worked in the general litigation department of Kramer Levin Naftalis and Frankel, a prominent law firm in New York City, for four and one-half years.

After relocating to Pittsburgh in 2004, Jonathan's practice focused on public and private sector union-side labor law and plaintiff-side employment law. He joined the predecessor to Stember Feinstein Doyle & Payne in 2006.

Jonathan's experience includes litigation in federal and state courts, as well as in the arbitration context. He has represented individuals in EEOC, PHRC, workers' compensation, unemployment compensation, and arbitration proceedings, and practiced before the National Labor Relations Board and Pennsylvania Labor Relations Board.

#### **MAUREEN DAVIDSON-WELLING**

Maureen ("Molly") Davidson-Welling is an attorney specializing in employment, employee benefits, civil rights, and class action cases.

Molly is a graduate from the Johns Hopkins University (B.A. 1999) and the University of Toronto (M.A. 2001). In 2007, she received her J.D. from the University of Pennsylvania and thereafter joined Stember Feinstein Doyle & Payne.

During law school, Molly clerked at Stember Feinstein, as well as at the Community Legal Services in Philadelphia. She also participated for two years as a member of the Journal of Law and Social Change and served on the Board of the pro bono Unemployment Compensation Project run by students of the University of Pennsylvania Law School.

Ms. Davidson-Welling is admitted to practice before the courts of Pennsylvania and before the Federal District Court for the Western District of Pennsylvania.

Prior to law school, Ms. Davidson-Welling worked as a research analyst for Consad Research Corporation.

#### **JANICE M. PINTAR**

Janice M. Pintar is an attorney with Stember Feinstein Doyle & Payne, LLC. She practices plaintiff's employment and civil rights law and ERISA cases involving employer-sponsored disability plans.

Janice graduated from the University of Wisconsin Law School, *cum laude*, in 2002. While in law school she was a managing editor of the *Wisconsin Law Review*. She received several awards from the school including an academic achievement award in the subject area of trial evidence. Following law school Janice practiced in Chicago, Illinois representing plaintiffs in a wide variety of employment and civil rights matters including state discrimination claims as well as claims arising under federal statutes including Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, Fair Labor Standards Act, Equal Pay Act, and claims arising under 42 USC § 1983.

Janice is admitted to practice in the states of Wisconsin, Illinois and Pennsylvania and is admitted to practice in the United States District Court for the Western District of Pennsylvania, the Northern and Central Districts of Illinois and the United States Court of Appeals for the Seventh Circuit. She is a member of the National Employment Lawyers Association (NELA). Janice is the author of:

Negligent Infliction of Emotional Distress and the Fair Market Value Approach in Wisconsin: The Case for Extending Tort Protection to Companion Animals and Their Owners

#### **TYBE ANN BRETT**

Tybe Ann Brett is of counsel to Stember Feinstein Doyle & Payne, LLC. Her practice is concentrated on ERISA cases involving employer-sponsored disability, health, severance and



pension plans. She has also represented plaintiffs, both individually and in class actions, in a wide array of other types of litigation, including environmental contamination, toxic torts, trademark infringement, insurance and securities fraud.

Tybe graduated with a BA, magna cum laude, with honors in history, from Barnard College in 1976. In 1979, she received her JD from Columbia University School of Law, where she was student articles editor of the Journal of Transnational Law. From 1983 to 1990, she was an associate professor at the University of Maine School of Law, where she also directed an Environmental Law Clinic. Since 1990, when she returned to her native Western Pennsylvania, she has been in private practice in Pittsburgh, but has continued her academic interests by publishing a number of articles on class actions and teaching toxic torts as an Adjunct Professor at the University of Pittsburgh School of Law. Ms. Brett is admitted to practice in Pennsylvania and Maine, as well as to the U.S. Supreme Court, the Second, Third, Fourth and Seventh Circuits, as well as district courts in Pennsylvania and other states.

#### **LAWRENCE A. FROLIK**

Larry Frolik is of counsel to Stember Feinstein Doyle & Payne and is a Professor of Law at the University of Pittsburgh School of Law, where he specializes in Elder Law and Employee Benefits.

A graduate of Harvard Law School, Professor Frolik's ground breaking scholarly work, particularly in the area of guardianship, has earned him recognition as a national expert on the legal issues of older Americans. One of the founders of the area now known as "Elder Law," he is the co-author of the treatise, *Advising the Elderly or Disabled Client* (Warren, Gorham, and Lamont, 2nd ed. 1999), a work that is widely praised by the practicing bar. He is also co-author of the first textbook on the legal problems of the elderly, *Elderlaw: Cases and Materials* (Lexis 2nd ed. 1999), co-authored the book – *Counseling the Older Client* (ALI/ABA 1997), and wrote *Residence Options for Older or Disabled Clients* (Warren, Gorham, and Lamont 1997), which reflects his current scholarly interest in the housing issues faced by elderly persons. He has also written numerous scholarly articles, and lectures frequently on elder law issues and on estate planning for families with disabled children.

Because of his expertise in elder law, Professor Frolik was appointed a congressional delegate to the White House Conference on Aging in 1995. He is Chair of the Pennsylvania Bar Association Elder Law Section, Chair American Bar Association Tort and Insurance Practice Section Seniors' Issues Committee, and is past president of both the American Association of Law Schools Section on Law and Aging and of the Pennsylvania Developmental Disabilities Advocacy Council. Professor Frolik holds memberships in the American College of Trust and Estate Counsel and in the National Academy of Elder Law Attorneys, at whose national symposiums on elder law he is a frequent presenter.

He is a Visiting Professor at the University of Miami Law School's L.L.M. program in Estate Planning.

# **EXHIBIT 3**

**Lewis, Clifton & Nikolaidis, P.C.**

Lewis, Clifton & Nikolaidis, P.C. (through its predecessor firms) was founded over 30 years ago when Everett E. Lewis, a former partner at Vladeck, Elias, Vladeck & Lewis, left that firm to establish his own. It was our objective from the outset to limit our practice to the representation of unions in the public and private sectors, their benefit funds, individual union members and other employees, and we have strictly adhered to that goal. We are a full service law firm for our clients, and have the knowledge and expertise to provide the widest range of representation in the many complex situations facing unions and benefit funds – contract negotiations, arbitrations, litigation before state and federal courts and agencies, and counseling on a vast array of state and federal laws and regulations.

The firm currently has three partners: Daniel E. Clifton, Louie Nikolaidis and Elaine L. Smith. Stephen H. Sturm and Mark J. Lopez are counsel to the firm. Over the years, our firm has represented a wide range of unions and funds, the members of which include professors, attorneys, postal workers, transit workers, painters, longshoremen, teamsters, nurses, machinists, electrical workers, service employees, communications workers, healthcare workers, security guards, and garment workers.

Our firm has undertaken long-term, complex and, at times, high profile litigation on behalf of the unions we represent. During the anthrax crisis in 2001, we represented the New York Metro Area Postal Union in litigation against the U.S. Postal Service to prevent worker exposure to anthrax at New York's largest postal facility. We prevailed in obtaining additional testing, clean-up and protective gear for the workers.

In 2005, after years of hard fought litigation, we were successful in obtaining a citywide injunction on behalf of a Drywall Tapers union which effectively removed a mob-controlled plasterers' union from the drywall taping industry in New York City. *See Drywall Tapers and Pointers of Greater New York, Local 1974 v. Local 530 of the Operative Plasterers' and Cement Masons' Int'l Ass'n*, 2005 WL 638006 (E.D.N.Y. 2005). In addition to an award of substantial damages, the litigation resulted in more work, safer working conditions, higher wages and better benefits for all drywall tapers in New York City.

We have been involved in significant union democracy litigation enforcing membership rights under the Labor-Management Reporting and Disclosure Act, and in cases enforcing important contract rights for workers. For example, in *Lewis v. Tuscan Farms*, we challenged an employer's disregard of contractual seniority provisions in a plant closing, and were able to recover over \$8 million in damages for Teamster members.

---

**Daniel E. Clifton**

Daniel Clifton is a graduate of the University of Rochester and Northeastern University School of Law. He was admitted to practice law in New York State in 1978. Mr. Clifton is also a member of the Bar of the United States Supreme Court, the United States Court of Appeals for the Second and Third Circuits, and the United States District Courts for the Southern, Eastern,

Western and Northern Districts of New York. He has litigated numerous cases in federal and state courts and in administrative agencies in the field of labor law and employee rights. Mr. Clifton has participated as a CLE trainer in ABA-sponsored employment law sessions, and has given presentations and conducted workshops at events sponsored by the Center for Labor and Employment Law at NYU School of Law, the AFL-CIO Lawyers Coordinating Committee, the National Employment Lawyers Association, the Association for Union Democracy, and Teamsters for a Democratic Union. He has taught Labor Studies as an adjunct professor at Cornell University School of Industrial and Labor Relations and Rutgers University. Most recently (in 2007), he taught a course entitled "Rights and Responsibilities of Union Officers and Members" at Cornell (the New York City Metropolitan District). Mr. Clifton is a member of the Advisory Boards of the Center for Labor and Employment Law and the Association for Union Democracy.

---

**Louie Nikolaidis**

Louie Nikolaidis is a graduate of the University of Cincinnati, has an M.A. in Sociology from Rutgers University and completed coursework and examinations for his PhD in Sociology. Mr. Nikolaidis graduated from Rutgers University School of Law, and was admitted to practice law in New York State and New Jersey in 1985. He is also admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Second and Third Circuits, and the United States District Courts for the Eastern and Southern Districts of New York and the District of New Jersey. Mr. Nikolaidis is a member of the Advisory Board of the Association for Union Democracy, and has conducted workshops at events sponsored by the Association for Union Democracy and Teamsters for a Democratic Union. Mr. Nikolaidis has taught courses in Sociology and Labor Studies at Rutgers University. In 1985-86, Mr. Nikolaidis clerked for the Honorable Stephen Skillman, an Appellate and Chancery Division Judge of the Superior Court of New Jersey. He became associated with LCN in 1987, and became a partner in 1993.

**Elaine L. Smith**

Elaine Smith became associated with the Firm in 2001, and became a partner in 2007. Ms. Smith is a graduate of Barnard College and the City University of New York School of Law. She was admitted to practice law in New York State in 1998. Ms. Smith is also admitted to practice before the United States District Court for the Eastern and Southern Districts of New York. Prior to her employment at LCN, she worked for two years as a staff attorney for District Council 37, Municipal Employees Legal Services Plan and clerked one year for the Honorable Ava Alterman, a New York State court judge. Ms. Smith has ten years of litigation experience and has appeared as lead counsel on numerous labor and employment cases in state and federal court.